

DEC 4 2012

Zak Covar
Executive Director
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

RE: UIC Program Revision establishing an Aquifer Exemption for uranium mining in the A, B, C, and D sands of the Goliad Aquifer near Ander, Texas in Goliad County

Dear Mr. Covar:

The U.S. Environmental Protection Agency (EPA) has completed its review of the Texas Commission on Environmental Quality's (TCEQ's) formal application to exempt portions of the A, B, C and D sands of the Goliad Aquifer near Ander, Texas and considers it a non substantial revision to the TCEQ underground injection control program. TCEQ's original application was transmitted in a May 24, 2011 letter from Susan Jablonski to Miguel Flores. Accordingly, on May 16, 2012, EPA requested additional information to support a finding that the exempted area of the aquifer does not currently serve as a source of drinking water for nearby drinking water wells. TCEQ's request was amended to reduce the aerial extent of the exemption in a letter dated November 16, 2012 from Charles W. Maguire (received by EPA on November 30, 2012). As such, by authority delegated to the Regional Administrator and redelegated to the Water Quality Protection Division Director, the EPA approves the amended exemption under the criteria provided in Title 40 of the Code of Federal Regulations§146.4.

EPA concludes that the portion of the aquifer proposed for exemption meets the criteria for exemption as follows:

- §146.4 (a): It does not currently serve as a source of drinking water; and
- §146.4 (b) (1): It cannot now and will not in the future serve as a source of drinking water because it has been demonstrated by permit application to contain minerals that, considering their quantity and location, are expected to be commercially producible.

The areal extent of the exempted portions of the A, B, C and D sands are as described by the enclosed map submitted by TCEQ on November 16, 2012 amending the original application. The vertical boundaries of the exempted portions are the top of the A sand and the bottom of the D sand as described in TCEQ's application. This exemption only pertains to the injection of lixiviant through Class III

injection wells for the purposes of mining uranium, and fluids associated with aquifer restoration following mining operations. If you have any questions, please contact me at (214) 665-7101, or your staff may contact Mr. Philip Dellinger, Chief of the Ground Water/UIC Section at (214) 665-8324.

Sincerely,

Original Signed By William K. Honker

William K. Honker, P. E.
Director
Water Quality Protection Division (6WQ)

Enclosure

cc: Art Dohmann, GCGCD
Alvin DeForest, St. Peters Lutheran Church
Harry Anthony, UEC
Charles McGuire, TCEQ

bcc: Ron Galloway, R6
Sam Coleman, R6
Ann Codrington, HQ
Stacey Dwyer, 6WQ-S
Philip Dellinger, 6WQ-SG

6WQ-SG:XX:12/03/12:L\TEMPL\AQUIFER.XMP\Goliad\ final draft approval letter 11-30-12
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